

Message Text

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ORIGIN IO-13

INFO OCT-01 AF-10 ARA-11 EA-11 EUR-25 NEA-10 RSC-01 ADP-00

ACDA-19 AEC-11 CIAE-00 DODE-00 PM-09 H-02 INR-10 L-03

NASA-04 NSAE-00 NSC-10 OIC-04 PA-03 PRS-01 GAC-01

SCI-06 SS-15 MBFR-03 USIA-12 SAJ-01 /196 R

DRAFTED BY IO/ UNP: JWKIMBALL: BLB

4/12/73, EXT. 28114

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FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK

AMEMBASSY PARIS

AMEMBASSY CANBERRA

AMEMBASSY JAKARTA

AMEMBASSY BELGRADE

INFO AMEMBASSY MOSCOW

AMEMBASSY KHARTOUM

AMEMBASSY NAIROBI

AMEMBASSY CONAKRY

AMEMBASSY PANAMA

AMEMBASSY LIMA

AMEMBASSY LONDON

AMEMBASSY NEW DELHI

AMEMBASSY VIENNA

AMCONSUL HONG KONG

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E. O. 11652: GDS

TAGS: PARM, UNSC, UR

SUBJECT: NON- USE OF FORCE (NUF)
REFS: (A) USUN 1156, 1077, (B) STATE 58368 (NOTAL)

1. AUSTRIAN AMB. INFORMED US APRIL 9 HIS GOVERNMENT HAS DECIDED TO VOTE IN FAVOR OF INSCRIPTION OF SOVIET " NON- USE OF FORCE" (NUF) ITEM AND TO ABSTAIN WHEN RESOLUTION COMES TO A VOTE. IN LIGHT AUSTRIAN DECISION, PROBABILITY AUSTRALIANS AND PERHAPS OTHERS WILL VOTE FOR INSCRIPTION, AND FACT GA RES REFERS TO SC ACTION, DEPT. CONCURS WITH USUN 1077 THERE LITTLE LIKELIHOOD OF DEFEATING INSCRIPTION.

2. WITH SIX OF CURRENT SC MEMBERS ABSTAINING ON NUF RESOLUTION AT 27 TH UNGA, BELIEVE OPTIMUM OUTCOME WOULD BE DEFEAT OF NUF RESOLUTION BY ABSTENTIONS WITH MINIMUM LEVEL OF US LOBBYING. IN ELABORATION OF GUIDANCE STATE 58368, BELIEVE USUN SHOULD WORK DISCREETLY TO THIS END, SPECIFICALLY TO ENCOURAGE OTHERS (PRIMARILY PRC) TO HOLD GA ABSTAINERS (NOTABLY PERU) TO THEIR POSITIONS. (AMONG CURRENT SC MEMBERS AUSTRIA, AUSTRALIA, FRANCE, PERU, UK, US ABSTAINED AND PRC VOTED AGAINST. IF EIGHT VOTE FOR, SIX ABSTAIN, AND PRC VOTES AGAINST OR ABSTAINS, RESOLUTION WOULD BE DEFEATED AND NEGATIVE PRC VOTE WOULD NOT CONSTITUTE VETO.)

3. IN ADDITION, MISSION SHOULD USE ROUTINE CONTACTS TO REITERATE US POSITION TO OTHER NON- PERMS, PARTICULARLY AUSTRALIA, INDONESIA, AND YUGOSLAVIA. DEPT. PARTICULARLY INTERESTED IN GIVING YUGOSLAV AMB. MOJSOV CLEAR AND STRONG STATEMENT OF SUBSTANCE US POSITION, BASED ON AMB. PHILLIPS SPEECH TO 27 TH GA (POINTS SUMMARIZED PARA 4 BELOW).

4. ADDRESSEE POSTS, INCLUDING INFO ADDRESSEES WHERE APPROPRIATE, MAY DRAW ON FOLLOWING POINTS IN ANY DISCUSSIONS OF NUF ITEM, BEARING IN MIND THAT WE DO NOT WISH GIVE IMPRESSION OF CAMPAIGNING AND THAT IN CERTAIN CASES IT PROBABLY USELESS TO GO BEYOND RESPONDING TO INQUIRIES ABOUT OUR POSITION:

(A) UN CHARTER REMAINS BASIC GUIDELINE FOR INTERNATIONAL
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CONDUCT AND ARTICLE 2, PARAGRAPH 4 OF CHARTER EXPRESSLY PROVIDES THAT " ALL MEMBERS SHALL REFRAIN IN THEIR INTERNATIONAL RELATIONS FROM THE THREAT OR USE OF FORCE AGAINST THE TERRITORIAL INTEGRITY OR POLITICAL INDEPENDENCE OF ANY STATE, OR IN ANY OTHER MANNER INCONSISTENT WITH THE PURPOSES OF THE UNITED NATIONS";

(B) CHARTER PROVISIONS DRAW IMPORTANT DISTINCTION BETWEEN LEGITIMATE AND UNLAWFUL USES OF FORCE (E. G. INDIVIDUAL AND COLLECTIVE SELF- DEFENSE IN CONTRAST TO AGGRESSION),

DISTINCTION WHICH MUST BE PRESERVED;

(C) ATTEMPTS TO RESTATE THESE PRINCIPLES EITHER AS GA OR SC RESOLUTION USUALLY RESULT IN OBFUSCATING OR DETRACTING FROM UN CHARTER AND ADDING NEW DEFINITIONS WHICH NOT GENERALLY ACCEPTABLE OR IMPRACTICAL;

(D) PROHIBITION ON USE OF NUCLEAR WEAPONS DRAWS UNACCEPTABLE AND IMPRACTICAL DISTINCTION BETWEEN TYPES OF WEAPONS; ALL WEAPONS AND ALL USES OF FORCE SHOULD BE GOVERNED BY PROVISIONS OF UN CHARTER AND WEAPONS ISSUES DEALT WITH THROUGH SPECIFIC AND REALISTIC BILATERAL OR MULTILATERAL ARMS CONTROL NEGOTIATIONS, E. G. SALT;

(E) SECURITY COUNCIL HAS POWER UNDER RELEVANT PROVISIONS OF UN CHARTER TO ACT ON SPECIFIC SITUATIONS INVOLVING THREATS TO OR BREACHES OF THE PEACE. IT DOES NOT HAVE POWER TO ESTABLISH GENERAL RULES OF CONDUCT, ESPECIALLY THOSE PURPORTEDLY BINDING ON ALL UN MEMBERS, MUCH LESS TO PURPORT TO REVISE CHARTER TREATY OBLIGATIONS FOR ALL UN MEMBERS;

(F) IN LIGHT SELF- SERVING NATURE OF SOVIET INITIATIVE AND SERIOUS POLITICAL AND CONSTITUTIONAL ISSUES WHICH NUF ITEM CREATES, WE HOPE HOST GOVERNMENT WILL AT LEAST ABSTAIN ON ANY RESOLUTION BEFORE SC ENDORSING OR IMPLEMENTING GA

DECLARATION.

5. AS FURTHER BACKGROUND FOR FIELD POSTS: AT 27 TH UNGA SOVIET UNION (GROMYKO) PROPOSED GA DECIDE TO (A) RENOUNCE USE OR THREAT OF FORCE IN INTERNATIONAL RELATIONS AND
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APPROVE PERMANENT PROHIBITION OF USE OF NUCLEAR WEAPONS AND (B) RECOMMEND SC TAKE APPROPRIATE DECISION WHEREBY SUCH DECLARATION WOULD ACQUIRE BINDING FORCE UNDER ARTICLE 25 OF UN CHARTER (WHEREIN MEMBERS AGREE ACCEPT AND CARRY OUT DECISIONS OF UNSC IN ACCORDANCE WITH CHARTER).

6. DURING GA DEBATE SOVIET PROPOSAL MODIFIED BY NON- ALIGNED SO THAT PREAMBLE INCLUDED LANGUAGE ON
(A) INADMISSIBILITY OF ACQUISITION OF TERRITORY BY FORCE;
(B) RECOGNITION OF LEGITIMACY OF STRUGGLE BY COLONIAL PEOPLE THROUGH ALL APPROPRIATE MEANS; (C) RECALLING 1961 GA RESOLUTION (US VOTED AGAINST) DECLARING USE OF NUCLEAR WEAPONS CONSTITUTES VIOLATION OF UN CHARTER. NON- ALIGNED CHANGED SECOND OPERATIVE PARAGRAPH RECOMMENDING SC ACTION TO SPEAK OF SC ADOPTING " APPROPRIATE MEASURES FOR FULL IMPLEMENTATION". THIS RESOLUTION ADOPTED NOVEMBER 29 BY VOTE OF 73-4 WITH 46 ABSTENTIONS (US).

7. SOVIET INITIATIVE SEEMED DIRECTED MAINLY AT PRC TO ENHANCE SOVIET POSITION ON DISARMAMENT AMONG NON- ALIGNED AT EXPENSE PRC, AND TO SERVE OTHER SOVIET INTERESTS WITH RESPECT TO EUROPE, UNGA, AND FUTURE DISARMAMENT NEGOTIATIONS.

8. PRC SEES SOVIET PROPOSAL ON NON- USE FORCE AS INSINCERE AND AS DESIGNED TO EMBARRASS PRC. PEKING HAS CONTINUED TO CALL ON SOVS (AND US) TO PLEDGE NON FIRST USE OF NUCLEAR WEAPONS AS FIRST STEP TOWARD MEANINGFUL ARMS CONTROL.

9. AS FOLLOW- UP TO GA RESOLUTION SOVIETS HAVE NOW INITIATED INFORMAL CONSULTATIONS IN NEW YORK LOOKING TOWARD INSCRIPTION OF NUF ON SC AGENDA AND ADOPTION OF RESOLUTION. SOVIETS APPARENTLY THINKING OF RESOLUTION WHICH WOULD TAKE ACCOUNT OF GA DECLARATION AND " DECIDE" THAT ALL STATES SHOULD COMPLY WITH DECLARATION " IN THE RENUNCIATION OF THE USE OR THREAT OF FORCE IN ALL ITS FORMS AND MANIFESTATIONS, IN ACCORDANCE WITH THE CHARTER OF THE UN AND THE PERMANENT PROHIBITION OF USE OF NUCLEAR WEAPONS".

10. US REMAINS OPPOSED TO CONCEPT OF GA OR SC DECLARATION
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ON NUF. US PLANS ABSTAIN ON INSCRIPTION ON SC AGENDA AND
ON RESOLUTION FORMULATED ALONG SOVIET LINES. IN GENERAL,
US SEEKS TO AVOID ACTIVE ROLE IN UN WHICH WOULD PLACE US
IN USSR- PRC CROSSFIRE ON NUF ITEM. ROGERS

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